Claim 23, line 2, change "claim 1" to --claim 10--.

Claim 26, line 1, delete "cancer or"; and

line 2, delete "virus, bacteria or".

Claim 27, line 1, delete "cancer or"; and

line 2, delete "virus, bacteria or".

Kindly add new claim 28.

--28. A nucleotide sequence according to claim 1, wherein the intracellular infectious parasite comprises a plasmodium or a trypanosome.--

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1,4-8, 10, 12, 16 and 22-28 are pending in this application. Claims 2-3, 9, 11, 13-5, and 17-21 have been cancelled without prejudice or disclaimer. Claims 1, 10 16, 22-23, 26 and 27 have been amended to better define the subject matter of the invention without narrowing the scope thereof. Support for the amendments can be found in the original claims as filed. In particular, claim 10 was

rewritten in independent to incorporate subject matter of claim 1, from which claim 10 originally depended. Support for new claim 28 can be found at page 11, line 35. No new matter is introduced by these amendments, and entry and consideration are requested.

The Examiner rejected claims 24-27 under 35 U.S.C. §112, first paragraph as non-enabling. Applicants traverse. Applicants respectfully submit that the amended claims are enabled by the specification, particularly at page 2, lines 24-36, page 3, lines 11-36, and in Example 3 and Example 11.

The Examiner acknowledges that the specification enables an autonomous parvoviral vector containing the CAT (chloramphenicol acetyl transferase) gene or murine B7 gene under the control of the P38 promoter in place of the parvoviral genes encoding the parvoviral capsid proteins. Certainly other genes besides CAT and B7 are useful, such as the Herpes Simplex Virus Thymidine Kinase gene (in Example 11). Therapeutic treatments comprising nucleotide sequences of claim 10 are enabled as well. The Examiner contends that low transfection rates of the B7 gene bar the invention from effecting a therapeutic result. Applicants believe that the Examiner has overlooked the bystander effect in which toxic materials are released between cells via gap junctions to eradicate a large population of target cells when only a small population is initially transfected. *See* page 43, line 20 through page 44, line 1 of the specification. Applicants respectfully submit that the §112, first paragraph rejection of claims 24-27 should be withdrawn.

Claims 1-7, 9-12, 14-17, 21 and 22 were rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent No. 5,585,254 to Maxwell (Maxwell '254). Applicants traverse for the following reasons.

Maxwell discloses parvoviral gene delivery vehicles and expression vectors for expressing certain antisense RNA, ribozymes, and cytoxoins for treatment of cancer or viral infections. Maxwell '254 does not disclose nucleotide sequences for effecting the destruction or normalization of cells infected by intracellular infectious parasites, as is claimed. Maxwell '254 is silent with respect to inclusion of radioactive materials as recited in instant claim 10. Applicants submit that Maxwell '254 does not anticipate the claims and the §102 rejection should be withdrawn.

Claims 8, 13 and 18-21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Maxwell '254. Applicants traverse. Pending claim 8 is directed to a nucleotide sequence for destroying cells having intracellular infectious parasites. Maxwell '254 is silent with respect to any such effectiveness of the material disclosed therein. Therefore, Maxwell '254 does not suggest or render obvious the claimed invention. Claim 8 is allowable over the cited art.

Having addressed all of the Examiner's outstanding concerns, Applicants respectfully submit that the application is in condition for allowance, and notice to that effect is earnestly solicited.

Respectfully submitted,

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